

BAKER & HOSTETLER LLP

45 Rockefeller Plaza
New York, NY 10111
Telephone: (212) 589-4200
Facsimile: (212) 589-4201
David J. Sheehan
Nicholas J. Cremona
Michael R. Matthias

*Attorneys for Irving H. Picard, Trustee for the
Substantively Consolidated SIPA Liquidation of
Bernard L. Madoff Investment Securities LLC and
the Estate of Bernard L. Madoff*

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

Adv. Pro. No. 08-01789 (SMB)

SIPA LIQUIDATION

(Substantively Consolidated)

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation
of Bernard L. Madoff Investment Securities LLC,

Plaintiff,

v.

BARBARA S. GROSS 2006 GRAT, a New York
trust, ESTATE OF BARBARA S. GROSS,
FIDUCIARY TRUST INTERNATIONAL OF
THE SOUTH, a Florida corporation, as personal
representative, LORA JOY APPLETON, as trustee
of the Barbara S. Gross 2006 GRAT and as an
individual, THE LORA TRUST U/A 8/29/98, a
New York trust, and SUSAN J. ANOLICK, as

Adv. Pro. No. 10-04389 (SMB)

trustee of The Lora Trust U/A 8/29/89 and as an individual,

Defendants.

**STIPULATION AND ORDER FOR
VOLUNTARY DISMISSAL OF ADVERSARY PROCEEDING WITH PREJUDICE**

Irving H. Picard (the “Trustee”), as trustee for the liquidation of the business of Bernard L. Madoff Investment Securities LLC (“BLMIS”) under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa, *et seq.* (“SIPA”), and the substantively consolidated estate of Bernard L. Madoff individually (“Madoff”), by and through his counsel, Baker & Hostetler LLP, and defendants Barbara S. Gross 2006 GRAT (“Gross GRAT”), The Lora Trust U/A 8/29/89 (“Lora Trust”), Lora Joy Appleton (“Appleton”), Susan J. Anolick (“Anolick”) and Barbara S. Gross (“Original Defendants”), by and through their counsel, Moses & Singer LLP, hereby stipulate and agree to the following:

1. On November 30, 2010, the Trustee filed the Complaint against Original Defendants.
2. On June 13, 2011, Original Defendants served an Answer to the Complaint on the Trustee.
3. On December 19, 2014, a Stipulation and Order for Substitution of Defendant was filed substituting the Estate of Barbara S. Gross (“Estate”) and Fiduciary Trust International of the South as personal representative of the Estate (“FTIS”) as defendants in place of Barbara S. Gross, who died during the pendency of this adversary proceeding.
4. Pursuant to the Settlement Procedures Order, entered by this Court on November 12, 2010 [Dkt. No. 3181], the Trustee, and defendants Gross GRAT, Lora Trust, Appleton, Anolick, Estate and FTIS (the “Defendants,” and together with the Trustee, the “Parties”), entered into a Settlement Agreement and Release as of September 5, 2017.

5. Pursuant to the terms of the Settlement Agreement and Release, and in accordance with Federal Rule of Bankruptcy Procedure 7041(a)(1)(ii), and Federal Rule of Civil Procedure 41(a)(1), the Parties hereby stipulate to a dismissal with prejudice of the Trustee's claims against Defendants in the above-captioned adversary proceeding and dismissing the adversary proceeding with prejudice.

6. The provisions of this Stipulation shall be binding upon and shall inure to the benefit of the Parties and their respective successors and assigns and upon all creditors and parties of interest.

7. This Stipulation may be signed by the Parties in any number of counterparts, each of which when so signed shall be an original, but all of which shall together constitute one and the same instrument. A signed facsimile, photostatic or electronic copy of this Stipulation shall be deemed an original.

Dated: October 20, 2017

Of Counsel:

BAKER & HOSTETLER LLP
11601 Wilshire Boulevard, 14th Floor
Los Angeles, California 90025-7120
Telephone: (310) 820-8800
Facsimile: (310) 820-8859
Michael R. Matthias
Email: mmatthias@bakerlaw.com

BAKER & HOSTETLER LLP

By: /s/ Nicholas J. Cremona
45 Rockefeller Plaza
New York, New York 10111
Telephone: (212) 589-4200
Facsimile: (212) 589-4201
David J. Sheehan
Email: dsheehan@bakerlaw.com
Nicholas J. Cremona
Email: ncremona@bakerlaw.com

*Attorneys for Irving H. Picard, Trustee for the
Substantively Consolidated SIPA Liquidation
of Bernard L. Madoff Investment Securities
LLC and the Estate of Bernard L. Madoff*

MOSES & SINGER LLP

By: /s/Mark N. Parry
The Chrysler Building
405 Lexington Avenue
New York, New York 10174
Telephone: (212) 554-7822
Facsimile: (212) 377-6052
Mark N. Parry
Email: mparry@mosessinger.com
Kent C. Kolbig
Email: kkolbig@mosessinger.com
Megan H. Daneshrad
Email: mdaneshrad@mosessinger.com

Attorneys for Defendants

SO ORDERED

Dated: October 23rd, 2017
New York, New York

/s/ STUART M. BERNSTEIN
HON. STUART M. BERNSTEIN
UNITED STATES BANKRUPTCY JUDGE